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This Commission communication concerns the legislative package establishing an Agency for the operational management of large-scale IT systems in the area of freedom, security and justice.

The main issues are as follows:

Objective: the objective of this legislative package is to establish an Agency responsible for the long-term operational management of the second-generation Schengen Information System (SIS II), Visa Information System (VIS) and EURODAC. In addition, the Agency could be given responsibility for other large-scale IT systems in the area of freedom, security and justice.

Background: in order to benefit from the developments in the field of information technology and to allow for the introduction of new functionalities, a second-generation Schengen Information System

(SIS II) will replace the existing Schengen Information System (SIS 1+). It will ensure a high level of security within the European Union?s area of freedom, security and justice, including maintenance of public security and public policy as well as safeguarding security in the territories of the Member States. VIS will be the essential IT-based instrument for supporting implementation of the common visa policy and facilitating, inter alia, effective border control. EURODAC is an IT system for comparing the fingerprints of asylum seekers and illegal immigrants in order to facilitate the application of the Dublin II Regulation, which makes it possible to determine the Member State responsible for examining an asylum application.

SIS II and VIS are being developed by the Commission. According to the legal instruments governing these systems, the Commission is entrusted with the operational management of SIS II and VIS during a transitional period. The Commission currently entrusts the operational management of SIS II and VIS to national public-sector bodies in two different Member States, namely in France and Austria. It is, however, not the Commission?s core task to operate such large-scale IT systems. Hence, the SIS II and VIS legal instruments stipulate the need to establish a Management Authority in the long term, mainly to ensure continuity and operational management of the respective systems and the permanent flow of data.

In joint statements accompanying the SIS II and VIS legal instruments, the Council and the European Parliament invited the Commission to present, following an impact assessment, the necessary legislative proposals entrusting an Agency with the long-term operational management of the Central SIS II and parts of the Communication Infrastructure as well as the VIS and EURODAC.

Structure of the legislative package: the Commission document proposes a descriptive summary of the objectives of the legislative framework of the future Agency. This can be summarised as follows:

Overview of the Agency: the Agency?s core task should be to provide the operational management for these systems keeping them functioning 24 hours a day, seven days a week. Beyond these operational tasks, the corresponding responsibilities for adopting security measures, reporting, publishing, monitoring and information issues as well as organising specific VIS and SIS II related trainings, should be assigned to the Agency. Many of the tasks related to the operation of these IT systems, such as procurement and project management would overlap, thus allowing the creation of synergies.

The Agency?s governance structure should also reflect the existing variable geometry, i.e. a heterogeneous group of Member States and associated countries with a varying level of participation in the systems:

Cross-pillar elements of the structure: these elements require the adoption of different legal instruments for establishing the Agency (in particular for the SIS II). The Agency shall be based on legal instruments covering the first and third pillars. The present package of legal instruments combines two legal instruments:

1. Regulation of the European Parliament and of the Council establishing an Agency for the operational management of large-scale IT systems in the area of freedom, security and justice;
2. Council Decision conferring upon the Agency established by Regulation XX tasks regarding the operational management of SIS II and VIS in application of Title VI of the EU Treaty.

The Regulation, will describe the structure and the tasks of the Agency, its voting procedures and other necessary elements.

The Decision, which takes account of the cross-pillar elements of the systems, will confer on the Agency the tasks related to the operational management of SIS II and VIS in application of Title VI of the EU Treaty.

Financial Implications: the estimated total costs related to the preparatory and start-up phase of the long-term operational management of SIS II, VIS and EURODAC amount to EUR 113 million between 2010 and 2013. This amount is covered by the financial framework for 2007-2013. An overview of the operational and administrative expenditure is provided in the legislative financial statement annexed to the proposal for a Regulation establishing an Agency for the operational management of large-scale IT systems in the area of freedom, security and justice. The financial statement is mainly founded on estimates and figures from the impact assessment conducted in 2007. It is also based on the assumption that this proposal will be adopted in 2010, in order for the Agency to be legally established in 2011 and become a fully fledged Agency able to take over all the tasks related to the operational management of SIS II, VIS and EURODAC and other large-scale IT systems in 2012.

The estimated costs for the Agency cover operational as well as administrative expenditure needed to ensure the effective operational management of SIS II, VIS and EURODAC. The total amount also includes costs related to personnel and its training. It is currently foreseen that the Agency will employ 120 people. However, what is not foreseen in the budget of the Agency are the costs linked to the connection of the three systems to the s-TESTA network. According to the proposal, the Commission remains responsible for all contractual and budgetary aspects related to the communication infrastructure. The yearly costs of the connection of the three systems amount to around EUR 16.5

million, an amount that will be covered by the Community budget. Lastly, resources have been foreseen for the acquisition of a new site for the Agency which has also the capacity to host systems.

Compared to the current situation, where the systems are developed and operated separately, and once the necessary initial investments have been made, a joint management structure would result in synergies and cost efficiencies in the long term.